

**The State of New Hampshire
Town of North Hampton
Town Warrant for 2005-2006**

To the inhabitants of the Town of North Hampton in the County of Rockingham, in said State, qualified to vote in Town Affairs.

You are hereby notified that the **first session** (deliberative) of the annual meeting of the Town of North Hampton will be held at the North Hampton School on Atlantic Avenue, in said North Hampton on Saturday, February 5, 2005 at 8:00 a.m. Warrant articles may be amended at this session per RSA 40:13, IV, with the exception of Warrant Articles whose wording is prescribed by law and cannot be amended per RSA 40:13, IV a. Warrant Articles that are amended shall be placed on the official ballot for a final vote on the main motion as amended.

You are further notified that the **second session** of the annual meeting of the Town of North Hampton will be held at the North Hampton School in said North Hampton on Tuesday, March 8, 2005 at 8:00 a.m., for the choice of town officers elected by official ballot, to vote on questions required by law to be inserted on the official ballot, and to vote on all warrant articles from the first session on official ballot per RSA 40:13, VII. The polls for the election of town officers and other action required to be inserted on said ballot will open on said date at 8:00 a.m. in the forenoon and will not close until 7:00 p.m. in the evening.

Article 1.

To choose one Selectmen for a term of one year, one Selectmen for a term of three years, one Town Treasurer for a term of one year, and all necessary Town Officers for the ensuing year.

Article 2. Recommended by the Planning Board 5-0

Shall the Town adopt amendments to the Zoning Ordinance, Sections 302, 409, 507, 514, and 701 as proposed in the following (Only Subsections in which proposed amendments occur are shown, and proposed amendments are shaded.):

Are you in favor of the adoption of Amendment No.1 as follows:

- **Proposed Amendments to Section 302**

Proposed amendments to Section 302 bring definitions of wetland areas of the town into compliance with applicable definitions adopted by the State of New Hampshire. Amended definitions include “Tidal Lands,” “Wetlands,” and “Isolated Nonbordering Wetlands.” The proposed amendments both bring North Hampton’s definitions into compliance with statewide definitions and preserve protection for “Tidal Lands” – such as the Little River Salt Marsh – that are not specifically distinguished in the state’s definition.

- 30. Tidal Lands:** All lands submerged by mean high tide and, in addition, those areas which border on tidal waters, such as banks, bogs, salt marsh, swamps, meadows, flats or other lowlands subject to tidal action, whose surface is at an elevation not exceeding three and one-half feet above local mean high tide and upon which grow or are capable of growing a variety of tidal plants. The occurrence of salt marsh peat at the undisturbed surface is also evidence of tidal land. *3/13/79, 3/X/2005
- 31. Wetlands:** Pursuant to RSA 482-A:2 and RSA 674:55, “wetlands” means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. *3/10/92, 3/X/2005
- 32. Isolated Nonbordering Wetlands:** Those areas of 3,000 sf or less which satisfy the definition above of “wetlands” but which are not within 100 feet of any other Wetlands and do not abut a marsh, pond, bog, lake, river, natural, intermittent or perennial stream. *3/10/92, *3/10/98, 3/X/2005

Are you in favor of the adoption of Amendment No.2 as follows:

- **Proposed Amendments to Section 409 Wetland Conservation Areas**

Proposed amendments to Section incorporate new definitions proposed above for Section 301 into affected subsections of the Zoning Ordinance. Affected Subsections delineate zoning provisions for tidal lands, wetlands, and isolated nonbordering wetlands areas in the Town. Proposed amendments for these Subsections incorporate the proposed new definitions without relaxing or increasing restrictions on the use of tidal lands, wetlands, and isolated nonbordering wetlands areas.

409.2 Definition of District: The Wetlands Conservation District comprises all of the following areas within the Town of North Hampton:

- A. Tidal lands as defined in section 302, paragraph 30 herein.
- B. Wetlands as defined in section 302, paragraph 31 herein.
- C. Isolated, non-bordering wetlands as defined in Section 302, paragraph 32 herein.

409.6 Additional Permitted Uses in tidal lands: The following additional uses shall be permitted in tidal lands:

- A. Cutting of dead or dying trees of any size;
- B. Cutting of live trees with a diameter of six inches or greater, measured 4 1/2 feet above the ground, provided that such partial cutting is limited to 30% of their total pre-harvest basal area. Selection of trees for such partial cutting shall be done with the consultation of the Rockingham County Forester and the approval of the Planning Board. Partial cutting shall be done in such a way that a well distributed stand of healthy growing trees remains.
- C. The erection of fences, footbridges, catwalks and wharves provided such structures are built on posts or pilings and permit the unobstructed flow of the tide and preserve the natural contour of the marshes.

409.7 Additional Permitted Uses in wetlands and isolated nonbordering wetlands: The following additional uses shall be permitted in wetlands and isolated nonbordering wetlands:

- A. Forestry and tree farming which does not involve clear cutting;
- B. Water impoundments and construction of wells for on site water supply;
- C. Drainage ways, streams, creeks, or other paths of normal runoff water;
- D. Open space permitted by the subdivision regulations and other sections of the ordinance;
- E. Fill involving less than 3000 square feet of surface area.

409.9 Buffer Zone Restrictions: The buffer zone setback requirement from tidal lands and wetlands is 100'. For the purposes of this section 409.9 "Wetlands" shall not include a vegetated swale, roadside ditch, or other drainage way; a sedimentation/detention basin or an agricultural/irrigation pond. *3/11/2003

A. Undeveloped lots of record

- 1) Undeveloped lots of record existing as of March 2003 or any lot created subsequently: No structure or impermeable surface shall be permitted within 100' of tidal lands or within 100' of wetlands on any lot of record existing as of March 2003 or on any lot created subsequently.
- 2) **Undeveloped lots of record existing prior to March 2003:** If the imposition of 100' tidal and/or freshwater wetland buffer setbacks causes the buildable upland acreage (this is, land that is not in the wetlands buffer zone) to be less than 16,000 square feet, the prior wetlands buffer zone setback requirements of 50' for wetlands and 75' for tidal lands shall apply.

B. Developed lots of record

No structure or impermeable surface shall be permitted within 100' of tidal lands or within 100' of wetlands on any developed lot of record existing as of March 2003.

- 1) Developed residential lots of record existing prior to March 2003: If the imposition of 100' tidal lands and/or inland wetland buffer setbacks causes the buildable upland acreage (that is, land that is not in the buffer zone) to be less than 16,000 square feet, the prior buffer zone setback requirements of 50' for Wetlands and 75' for Tidal lands shall apply.
- 2) Notwithstanding other provisions of this section 409.9 of the Zoning Ordinance, the construction of additions to and/or extensions of existing buildings or structures shall be permitted within the 100' wetlands buffer zone provided that:
 - a) The dwelling or structure to be expanded existed lawfully prior to the effective date of this section 409.9 of the Zoning Ordinance (March 2003) or was constructed subject to a validly issued building permit.
 - b) The proposed construction conforms to all other applicable ordinances and

- regulation of the Town of North Hampton.
- c) The footprint of any proposed new construction within the buffer does not exceed the greater of 1200 square feet or 25% of the area of the footprint of the existing heated structure within the buffer which existed prior to the effective date of this Ordinance.
 - d) Any proposed new construction of an addition or extension shall not intrude further into the wetland buffer setback than the current principal heated structure of which it is a part.

Are you in favor of the adoption of Amendment No.3 as follows:

- **Proposed amendments to Section 507 Home Occupation**

Proposed amendments to Section 507 clarify that only activities otherwise allowed as either Permitted Uses or Special Exceptions may qualify as home occupations, require that a member of the family residing in the residence conduct the business, and add two additional conditions (Sections 507.6 and 507.7) that must be met in order for the Zoning Board of Adjustments to approve an application for a Special Exception for a home occupation under Section 507. Proposed amendments to Section 507 are shown by the shaded text below:

Any home occupation otherwise allowed as either a Permitted Use or Special Exception under the terms of this Ordinance shall be permitted as a special exception if it complies with the requirements of this section. *3/9/99

- 507.1 The home occupation shall be carried on by a member of the family residing in the dwelling unit with not more than two employees who are not part of the family residing in the dwelling.
- 507.2 The home occupation shall be carried on wholly within the principal or accessory structures.
- 507.3 Exterior displays or signs other than those permitted under Section 506, exterior storage of materials, and exterior indication of the home occupation or variation from the residential character of the principal structure shall not be permitted.
- 507.4 Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall not be produced.
- 507.5 Articles not produced on the premises shall not be sold on the premises. *3/12/68
- 507.6 The home occupation shall result in no detriment to property values in the vicinity or result in a change in the essential characteristics of any area or neighborhood on account of the location or scale of buildings, other structures, parking areas, access ways, or the storage of vehicles.
- 507.7 The home occupation shall not create a traffic safety hazard or result in a substantial increase in the level of traffic congestion in the vicinity.

Are you in favor of the adoption of Amendment No.4 as follows:

- **Proposed Amendments to Section 514 Flood Plain Development Ordinance**

FEMA [Federal Emergency Management Agency] has updated the flood maps and in order to remain in the Flood Insurance Program the Town of North Hampton needs to make changes to the Zoning Ordinance. Proposed amendments affect the second paragraph of Section 514 as indicated by the shaded text below:

The following regulations in this ordinance shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for Rockingham County, NH dated May 17, 2005, or as amended, together with the associated Flood Insurance Rate Maps dated May 17, 2005 which are declared to be part of this ordinance and are hereby incorporated by reference.

Are you in favor of the adoption of Amendment No.5 as follows:

- **Proposed amendments to Section 701 Permits**

This proposal from the Building Inspector asks to amend the North Hampton Zoning Ordinance Section 701 to update the references to national codes. Current references to BOCA will be replaced by references to the International Residential Code (IRC) 2003 edition, as shown by the shaded text below. (Amendments proposed occur only in the first paragraph of Section 701.)

No person shall commence in any part of North Hampton, construction, alteration, installation, electrical or plumbing work, removal, or demolition of a building or structure without obtaining a written permit for the same

from the Building Inspector or other duly authorized enforcing agency and paying a fee in accordance with the fee schedule that can be obtained at the building inspectors office. Said fees shall be turned over to the Town Treasurer. The provision of this section shall not apply to maintenance work performed for the sole purpose of preserving, protecting or refurbishing when such maintenance involves no structural changes, no alteration to electrical wiring or plumbing systems, and any material removed is replaced with like material. Construction shall conform to the following national codes:

- International Building Code (IBC), 2000 edition
- International Residential Code (IRC) 2003 edition
- International Mechanical Code (IMC) 2000 edition
- National Electric Code (NEC) (NFPA 70) 2002 edition (and the latest edition as adopted by the NH State Electrical Board)
- International Plumbing Code, 2000 edition with amendments (and the latest edition) as adopted by the NH State Plumbing Board
- International Energy Conservation Code (IECC) 2000 edition

In the event of conflicting codes, the most restrictive will prevail. *3/10/98"

Article 3.

Recommended by the Board of Selectmen 3-0

Recommended by the Budget Committee 7-1

To see if the municipality will vote to raise and appropriate the sum of nine hundred fifty thousand dollars (**\$950,000**) for the construction of a new highway garage and maintenance facility of approximately 8,000 square feet, and a salt and storage shed to be located on Town owned property on the east side of Cedar Road known as Tax Map 007, Lot 048, and to authorize the issuance of not more than \$950,000 of bonds or notes in accordance with provisions of the Municipal Finance Act (RSA 33) and to authorize the Selectmen to issue and negotiate such bonds or notes and to determine the rate of interest thereon; furthermore, to raise and appropriate \$27,000 for the first interest payment. 3/5 vote required for passage of this article.

(Should this article be approved, it is estimated it will constitute \$0.03 per thousand of the 2005-2006 tax rate, and reflects an interest only payment on the bond in fiscal year 2005-2006.)

Article 4.

Shall the municipality accept the provision of RSA 33:7 providing that any town at an annual meeting may adopt an article authorizing indefinitely, until specific rescission of such authority, the Board of Selectmen to issue tax anticipation notes? (Majority vote required)

Article 5.

Shall the municipality vote to accept the reports of the Town officers?

Article 6.

Shall the municipality vote to authorize the Selectmen to issue tax lien redemption notes in accordance with RSA 33:7-d?

Article 7.

Recommended by the Board of Selectmen 3-0

Recommended by the Budget Committee 8-0

Shall the Town of North Hampton vote to raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling **\$4,394,473**? Should this article be defeated, the default budget shall be **\$4,353,277** which is the same as last year, with certain adjustments required by previous action of the Town of North Hampton or by law; or the governing body may hold one special meeting, in accordance with RSA 40:13 X and XVI, to take up the issue of a revised operating budget only.

Article 8.

Recommended by the Board of Selectmen 3-0

Recommended by the Budget Committee 8-0

To see if the municipality will vote to establish the Building Maintenance Capital Reserve Fund for the maintenance and repairs of the North Hampton Town buildings and to bring the facilities into ADA compliance and to raise and appropriate

the sum of one hundred twenty five thousand dollars (**\$125,000**) to be placed in this fund; further to appoint the Board of Selectmen as agents to expend from this fund.

(Should this article be approved, it is estimated it will constitute \$0.14 per thousand of the 2005-2006 tax rate.)

Article 9. **Recommended by the Board of Selectmen 2-0**
 Recommended by the Budget Committee 7-0-1

To see if the municipality will vote to raise and appropriate the sum of seventy five thousand dollars (**\$75,000**) to pay for professional architectural and engineering services to be procured through competitive bidding with the request for bids containing a clearly articulated and thorough description of the “scope of work” to be prepared by the Board of Selectmen, for the design and space planning for the renovation of the Municipal Complex (Town Office, Library, Town Hall, Police & Fire Building and Highway Shed).

(Should this article be approved, it is estimated it will constitute \$0.09 per thousand of the 2005-2006 tax rate.)

Article 10. **Recommended by the Board of Selectmen 3-0**
 Recommended by the Budget Committee 8-0

To see if the municipality will vote to raise and appropriate the sum of sixty four thousand dollars (**\$64,000**) for the purchase of Self Contained Breathing Apparatus for the Fire Department? This is the first half of a two year replacement program.

(Should this article be approved, it is estimated it will constitute \$0.07 per thousand of the 2005-2006 tax rate.)

Article 11. **Recommended by the Board of Selectmen 3-0**
 Recommended by the Budget Committee 8-0

To see if the municipality will vote to raise and appropriate the sum of fifty six thousand eighty one dollars (**\$56,081**) for the purchase of Windows based municipal software that will integrate, tax collection, general ledger, accounts receivable/payable, cash receipting, building permits, and tax assessing. This software will replace the current DOS based system that will no longer be supported by the current vendor.

(Should this article be approved, it is estimated it will constitute \$0.06 per thousand of the 2005-2006 tax rate.)

Article 12 . **Recommended by the Board of Selectmen 3-0**
 Recommended by the Budget Committee 6-2

To see if the municipality will vote to raise and appropriate the sum of forty five thousand dollars (**\$45,000**) for the purchase of a dump truck with a nine foot heavy duty plow to replace the 1995 Ford F350. Any monies received from the sale of the 1995 Ford F350 shall be used to offset the cost of the new vehicle.

(Should this article be approved, it is estimated it will constitute \$0.05 per thousand of the 2005-2006 tax rate.)

Article 13 . **Recommended by the Board of Selectmen 3-0**
 Recommended by the Budget Committee 8-0

To see if the municipality will vote to raise and appropriate the sum of thirty five thousand dollars (**\$35,000**) to be added to the Fire Department Equipment Capital Reserve Fund #4.

(Should this article be approved, it is estimated it will constitute \$0.04 per thousand of the 2005-2006 tax rate.)

Article 14 . **Recommended by the Board of Selectmen 3-0**
 Recommended by the Budget Committee 8-0

To see if the municipality will vote to raise and appropriate the sum of twenty five thousand eight hundred dollars (**\$25,800.00**) for the purchase of one police cruiser for the Police Department.

(Should this article be approved, it is estimated it will constitute \$0.03 per thousand of the 2005-2006 tax rate.)

Article 15. **Recommended by the Board of Selectmen 3-0**
 Recommended by the Budget Committee 4-3-1

To see if the municipality will vote to raise and appropriate the sum of twenty five thousand dollars **(\$25,000)** for the demolition of the existing highway facility located at 233A Atlantic Avenue. This article is contingent upon passage of Article 3 for the financing and construction of a new highway facility.

(Should this article be approved, it is estimated it will constitute \$0.03 per thousand of the 2005-2006 tax rate.)

Article 16. **Recommended by the Board of Selectmen 3-0**
 Recommended by the Budget Committee 8-0

To see if the municipality will vote to establish the Cable Television Capital Reserve Fund in accordance with RSA 35:1 for the purpose of purchasing cable television equipment so that the Town may broadcast all town meetings and to raise and appropriate ~~twenty three thousand dollars (\$23,000)*~~ **thirty three thousand dollars (\$33,000)** from cable franchise fees received after January 1, 2005, to be placed in this fund, with no amount raised by taxation; further, to appoint the Board of Selectmen as agents to expend from this fund.

Amended at the Deliberative Session. Original wording has ~~strickethrough~~. Amended wording is **bolded.*

Article 17. **Recommended by the Board of Selectmen 3-0**
 Recommended by the Budget Committee 7-1

To see if the municipality will vote to raise and appropriate the sum of twelve thousand dollars **(\$12,000)** for interior maintenance of the police station, and the construction of desks/workstations in the officer's room of the police station.

(Should this article be approved, it is estimated it will constitute \$0.01 per thousand of the 2005-2006 tax rate.)

Article 18. **Recommended by the Board of Selectmen 3-0**
 Recommended by the Budget Committee 8-0

To see if the municipality will vote to raise and appropriate the sum of eight thousand dollars **(\$8,000)** for the purchase of a Command Center, with all necessary components for the Fire Department.

(This sum to come from fund balance (surplus) and no amount to be raised from taxation.)

Article 19.

On petition of Richard G. Robinson and at least 25 registered voters of the Town of North Hampton shall we adopt the provisions of RSA 40:14-b to delegate the determination of the default budget to the municipal budget committee which has been adopted under RSA 32:14.

(3/5 vote required for passage of this article.)

Article 20. **Not Recommended by the Board of Selectmen 3-0**
 Not Recommended by the Budget Committee 4-4

On petition of Pat Morenis Dodge and at least 25 registered voters in the Town of North Hampton, petition that \$55,000 be raised and appropriated to fund the contract for Mosquito abatement during the period of July 1, 2005 to June 30, 2006, in order to continue the success of the mosquito control project. The Board of Selectmen shall be directed, and have to authority to execute such contract on behalf of the citizens of North Hampton.

(Should this article be approved, it is estimated it will constitute \$0.06 per thousand of the 2005-2006 tax rate.)

Article 21.

To transact any other business that may legally come before this meeting. Given under our hands and seals this 26th day of January, in the year of our Lord, Two Thousand and Five.

North Hampton Board of Selectmen

_____/S/_____

Donald B. Gould, Chairman

_____/S/_____

Jon R. Rineman

_____/S/_____

Emily J. Creighton

A True Copy of Warrant — Attest

_____/S/_____

Donald B. Gould, Chairman

_____/S/_____

Jon R. Rineman

_____/S/_____

Emily J. Creighton